

Association of Consultants in Access Australia Inc (ACAA)

Achieving accessibility in the built environment for all

# Max Murray

**Oration - 20 October 2017**

presented by John Deshon AM LFRAIA, RIBA, ACAA

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***Max Murray***



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***by John Deshon AM LFRAIA, RIBA, ACAA***

The first AGM of the Association of Consultants in Access Australia was held in Sydney on 10 November 2000. Minutes of the meeting show an attendance of 25 persons, with 21 apologies. Max Murray was elected President, and Terry Osborn, Secretary. Of those 46 names, 14 remain as members – some are no longer with us – and 7 are present at this Conference. We are a hardy, loyal, bunch.

Good evening, Friends. Thank you for the welcome. I'm honoured to present this inaugural Max Murray Oration, and the Committee is to be commended for choosing to recognise Max's enormous contribution to ACAA and its objects in this way; and to acknowledge his passion and efforts in many other areas dealing with the accessibility of the built environment.

It's impossible to do that in 20 minutes, especially after a long day and during a convivial dinner. Anita, Max's widow, assures me that his own extensive files and records will be preserved at least until they are recorded and categorised. They will be a valuable historical resource, if only for more detailed review and discussion.

What I'll try to do tonight is to relate a little of ACAA's early days and Max's part in them; list the main objects as he saw them; see how they have played out; and identify the issues we may address now and in the future. But first, a little family history.

Ray Maxwell Murray was born in Brisbane on Guy Fawkes' Day 1938. His father was a shearer, then a policeman. His mother was a highly-regarded professional pastry cook. His early days were spent in Julia Creek. Later, his father drew a sheep grazing block near Charleville, but died young before it could be fully developed. Max had one brother, Alan, and a sister, Margaret.

Anita and Max met in the same Veterinary Science class at University of Queensland. She went on to gain a B.Sc. in Botany and Zoology. They married in 1965. They lived in Aitkenvale, near Townsville.

The trigger for creation of ACAA was the enactment of the Disability Discrimination Act in 1992 and similar State legislation, in turn a response to the United Nations' International Year of Disabled Persons in 1981 (which actually became a decade). The equivalent USA legislation (ADA) was signed into law on July 26, 1990, by President Bush senior. United Kingdom's legislation was passed in 1996. Although their operation was quite different, they all made it an offence to treat persons with a disability less fairly than others were treated in similar or the same circumstances.



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It was obvious that the building industry community – designers, builders, owners, regulators – needed some help to avoid liability, and the potential users needed some help to identify the issues.

In Australia, ACROD (Australian Council for Rehabilitation of the Disabled) carried the can through the eighties and nineties. In 1993, when it became apparent that the design of this building may discriminate in its provision of access for persons with a mobility disability, it was ACROD to whom I turned – I had been the RAA nominee on the Brisbane Committee since 1980 – to encourage a complaint to be made, in the face of Government intransigence.

ACROD declined, and Kevin Cocks, now Disability Discrimination Commissioner in Queensland, became the complainant. I should make it clear that design decisions in this respect, once the complaint was made, were not the province of the architect. It's unfortunate that Kevin can't be with us tonight. The late Robert Jones was a witness in the case, the result of which had a profound effect on how the BCA, in those early days, dealt with access to buildings.

Meantime, Max was beavering away in North Queensland. He had suffered spinal injury in 1980 in a motor vehicle accident, which hindered, and eventually ended, his former distinguished academic career in Animal Husbandry. By 1980, he'd gained his Masters at University of Queensland (1969), a Doctorate at University of New England (1973), and had become Senior Lecturer in Tropical Veterinary Science at James Cook University, Townsville (1979). I was at boarding school with Max in Warwick in 1953 – 1954. I went on to finish my schooling there. Max finished his at Gatton Agricultural College. I should correct a myth for which I am responsible – I was never Prefect in his boarding house.

During the decade 1980-90, Max mixed his academic career with rehabilitation and re-education. In 1982 he returned to work at the University, being promoted to Associate Professor in 1990. In the same period, he obtained qualifications in CAD and Residential Drafting, awards from HIA for kitchen design and bathroom design, and a Diploma of Architectural Technology. He didn't stop there, obtaining QBSA building licences in 2004 and 2005.

From the time of his accident Max had very little bicep strength and no triceps. He managed his computer for text and drafting with a palmar pocket device, attached to a timber dowel with non-slip point, which restricted his operation to the equivalent of "one finger typing". Anita says they devised a lead weight which was engaged when he was required to depress two keys at a time. Given this process, his output of computer-generated documents over some 35 years was staggering.

Max became Chairman of the Townsville ACROD committee in 1990. He was most effective. In 1992, Graeme Innes went to Townsville on Max's invitation to expose the draft of the DDA. The following year, after the Act became effective, Elizabeth Hastings, who was the first Disability Discrimination Commissioner, visited at Max's invitation. In 1994, Max was appointed to the Queensland Disability Advisory Council, and became Deputy Chairman the same year. In 1995, he was appointed to the Australian Building Codes Board's Building Access Technical Advisory Committee, working towards development of a Disability Standard for building access. The same year he joined Standards Australia's Committee ME/64, responsible for AS1428.

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The associations with ACROD, Standards Australia and the Australian Building Codes Board enabled Max to mix with decision-makers in these three important institutions around Australia. He was an advocate in the proposals to create a professional body as a focal point for education in building access and as a peak organisation for practitioners. That body became ACAA.

Among other sources, ACAA emerged from a national forum at ACROD House in Canberra in 1995. The forum, which was attended by representatives of government, disability service providers, disability consumer organisations, and industry, explored ways of advancing the intent of section 23 of the DDA, which had become effective only two years earlier. The Royal Australian Institute of Architects, Occupational Therapy Australia, and the Australian Institute of Building Surveyors were all contributors. Many original members of ACAA were drawn from the professions represented by those bodies. Today we are a diverse group, driven by wide-ranging agendas.

In 1998, Max assisted ACROD to establish a steering committee for incorporation of ACAA, and on 25 February 2000 Helen McAuley of ACROD lodged the Articles with the Registrar-General of the A.C.T. We remain registered there.

Max served as President for the next ten years. Let's observe that Terry Osborn, elected Secretary at the same inaugural AGM in November 2000, remained glued to the position until yesterday's AGM. Bravo, Terry! He, Max and Helen McAuley, are the only members to have been awarded Life Membership. That decade marked the recognition of ACAA as a legitimate player in the access business, and afforded its members commercial opportunities to advance their consultancies.

## ISSUES

The early Newsletters and activities reflect the priorities. Issue No 2 (July 2002) notes:

- the development of DDA Disability Standards (all three of them);
- accessible housing;
- national accreditation of access consultants;
- education; and
- advancement of Australian Standards

Not a lot has changed.

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### DISABILITY STANDARDS

The Disability Standards have been adopted, although the review processes have been disappointing. The Transport Standards were reviewed in 2007 and 2012, but there's no sign yet of the 2017 review. In fact, the Government's final response to the 2015 review acknowledges that some parts of the Transport Standards "may not be meeting the current and future needs of people with disability or provide sufficient flexibility or guidance to providers and operators in their efforts to fulfil their obligations under the Disability Discrimination Act" – surprise! – and announces that the current work program is addressing the first tranche of issues which will inform the release of a Regulation Impact Statement (RIS) on modernisation proposals later in 2017. This will inform future amendments to the Standards. There's a second tranche of issues and opportunities will begin to be considered in mid-2017 with a view to undertaking a Regulation Impact Statement process in 2019. One wonders about the status of the required 2017 review. At least the 2015 Standards, which are current, recognise the Premises Standards. We await the proper harmonisation of the building components of both.

One achievement has been the recent presentation for comment of "The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys". Some members submitted comments.

As far as compliance is concerned, here's a current story. It may answer, most definitely, the question which is the theme of this Conference – "Are we there yet?"

At a cost of \$4.4 billion, Queensland Transport has commissioned purchase of 75 new 6-car trains, 15 of which have been delivered. 15 years after the Disability Standards for Accessible Public Transport were introduced, and 24 years after the DDA became effective, and 25 years after the Queensland Anti-Discrimination Act became law, a reference group has identified the need for 13 modifications to every one of the cars to make them effectively accessible. The "Courier Mail" on 23 September this year reported that the Deputy Premier has written to disability advocates of plans to apply to the Australian Human Rights Commission for a "temporary exemption" to allow the non-conforming trains to be put into service to avoid chaos during the Commonwealth Games, to be held on the Gold Coast in April 2018.

John Mayo (Chief Advisor – Government, Spinal Life Australia), says there is no record of a design brief for accessibility in the tender process, and no record of a design review at the time the supply order was made. It seems Queensland Government is seeking to have such wilful disregard of longstanding regulation legitimised in the name of expediency. The cost of modifying design errors which should never have been made is, so far, unknown. It's hard to see why an exemption should be made. Perhaps engagement of a well-credentialed access specialist may have been prudent. It's less a question of "Are we there yet?" but more "Have we started? Where do we want to go?"

We don't hear much about the Standards for Education (2005) although the reviews have taken place on time and the Government of the time has responded accordingly. The response to the 2015 review seems to have been stymied by the reference to a Senate Inquiry and the interface with the NDIS.

The 2016 Premises Standards review, it seems to me, concluded that a review should be undertaken. Some review.

Michael Small talked about this today.

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### HOUSING

The recent news that COAG has directed the Building Ministers' Forum to undertake a Regulatory Impact Statement for accessibility in new private housing is encouraging. Although ACAA has distanced itself from much of the advocacy undertaken by the Australian Network for Universal

Housing Design, some of ACAA's individual members have been most active. Good on them.

### LICENSING

Newsletter No 3 (May 2003) recognised that State and Territory jurisdictions licence building professionals but that there was no provision for this regulation of access experts. During 2003 the Committee held face-to-face interviews with the building licensing authorities of each jurisdiction to promote the public interest argument in support of recognition. Fourteen years later there is still no independent licence category available in any State or Territory jurisdiction, or at national level. COAG's termination of the National Office of Licensing Systems in 2013-4 seems to have spelt the end of this for the time being. Unfortunately, what's needed now is a national calamity involving the government which may have been averted if we'd had a responsible regulatory regime.

Unfortunately, members continue to confuse independent recognition and licencing or registration of their skills, wisdom and competency with the level of their ACAA membership. Max agreed with me that the term "accredited member" was misleading, and its adoption regrettable, because it would be abused by some and misunderstood by many.

We do need to decide if we represent all access consultants in this respect, or only those who choose to join ACAA, or, in fact, the whole discipline of access consulting in the built environment. The 2016-7 Strategic Plan suggests we are still unsure.

### EDUCATION

In the beginning, ANTA proposed that a Cert IV level qualification was appropriate for the infant occupation. Newsletter Issue No 6 (August 2005) announced that the Access Consultancy Undergraduate Competency Standards had been endorsed, and that the way was now clear for Registered Training Organisations to develop teaching curricula to develop training. The same Issue reported that funds were being sought for development of competency standards for post-graduate qualifications. A Diploma course is up and running, but success for a post-graduate course is elusive. I'm aware of at least two attempts to get this going. The latter was in 2011, when a Scoping and Strategy paper was prepared for the Construction & Property Services Industry Skills Council (CPSISC) for development of a Vocational Graduate Diploma in Access Consulting, and then in 2012, Max chaired the steering committee to write the course development material. The other members of the committee were Mark Relf, Murray Mountain, Kara Chun, Robert Knott and myself. The project was stillborn. CPSISC has now been replaced by ARTIBUS Innovation, and I understand the basic competencies are again under review.

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The absence of an appropriate tertiary qualification would, in my opinion, condemn any proposal towards independent registration to failure. In any case, I'm not convinced that the simple ability to "do a job", no matter how competently, is the hallmark of any calling which wants to regard itself as a profession. Academic rigour is one of the essential building blocks of any profession. Without it, we're a trade.

I worked with Professor Neville Quarry in the early 1990's when he chaired the committee charged with writing competencies for architects. The initial purpose was to provide a consistent basis upon which Australian Boards of Architects could assess those who presented with overseas qualifications, but it was soon taken up by the Architects Accreditation Council and became the norm. Neville reckoned the quality which determined a good graduate was curiosity, more likely to be engendered within a culture which was more contemplative than skill-based.

## STANDARDS AUSTRALIA

Max remained a serving member of ME/064 until his death. I stood in for him during the review of public comment for AS1428 Part 1 prior to the finalisation of Amendment 1, and was less than impressed by the latent antagonism to realistic solutions which I experienced. Max was resolute in his determination and persistent in his advocacy in this position, and we must admire the sheer longevity of his service.

From the time of publication of Amendment 1 in November 2010, Max encouraged a collaborative effort to identify a comprehensive review of corrections - corrections, not enhancements – from that publication. Several ACAA members contributed, but it was Max who collated the results. We owe it to his memory to continue that advocacy.

## AWARDS

Max's work did not go unnoticed. These awards are noted in his CV:

- 1980 - Meritorious Services Award, Australian Veterinary Association
- 1994 - Life Member, AVA
- 1994 - "Shine On", Rotary International
- 2003 - Centenary Medal, Government of Australia
- 2004 - Award for Outstanding Service – Standards Australia
- 2007 - Disability Action Week Personal Achievement Award – Townsville
- 2010 - Human Rights Award, HREOC
- 2011 - Life Member, ACAA
- 2011 - Special Recognition Award, James Cook University

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### CONCLUSION

I'll conclude with a story about the late Selwyn Goldsmith, writer of the original "Designing for the Disabled" in 1965, two revisions thereof, "Designing for the Disabled – The New Paradigm" in 1997, and "Universal Design" in 2000. I met him while working in Oxford in 1970, and again on a visit to UK in 1995. The first book is regarded as the original bible in the subject. His obituary in "The Telegraph" in April 2011 included

But he was not a political campaigner for "disabled rights", feeling that this would serve only to deepen perceived divisions between the disabled and the rest of the population. When he arrived in Norwich, for example, he found that the council had a shortfall in its quota of disabled employees. The council was delighted to rectify this situation and invited Goldsmith to fill a spot in the quota – only to be met with a refusal of characteristic vigour, informed by pungent objections to tokenism. This deep-rooted antipathy to the politicisation of disability was to last all his life.

Max Murray shared this view. Devoid of ideology, he saw universal accessibility to the built environment as a practical matter, whose logic was irrefutable. I never heard him complain about his lot, but I was regularly in wonder at his fortitude and resilience. We are all fortunate to have known him

#### Contact ACAA

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